

Message Text

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ACTION H-02

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P 181302Z MAY 78
FM AMEMBASSY ATHENS
TO SECSTATE WASHDC PRIORITY 5886

UNCLAS ATHENS 4094

H-PASS: HONORABLE M. CALDWELL BUTLER
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

E.O. 11652 N/A
TAGS CPRS, GR (BENNET, TOM G)
SUBJECT: AMERICAN PROPERTY; TOM G BENNET

REF: DEPARTMENT'S OM, MAY 2, 1978 AND ENCLOSURES

1. WITH REFERENCE TO YOUR REQUEST FOR ASSISTANCE ON BEHALF OF MR. TOM G. BENNET, INFORMATION WAS OBTAINED FROM THE APPROPRIATE GREEK AUTHORITIES REGARDING MR. BENNET'S PROPERTY IN ATHENS, GREECE.

2. UNDER A PROCEDURE PRESCRIBED BY GREEK LAW AND THE GREEK GOVERNMENT'S SCHOOL BUILDING PROGRAM, THE HOUSE ON NO. 112 THIRAS STREET, ATHENS, TOGETHER WITH THE ADJOINING PROPERTY OF THREE OTHER INDIVIDUALS, HAS BEEN SELECTED AS A SITE SUITABLE FOR THE BUILDING OF A PUBLIC SCHOOL. AN APPRAISAL OF THE VALUE OF THE PROPERTIES WILL NOW BE MADE AND AN OFFER FOR SALE TO THE GREEK GOVERNMENT BASED ON CURRENT

SALE PRICES IN THE AREA WILL BE PRESENTED TO THE OWNERS. IF THE OFFER IS NOT ACCEPTED, EXPROPRIATION PROCEEDINGS WILL BE INITIATED. IN SUCH CASE, THE AMOUNT OF THE COMPENSATION WILL BE DETERMINED BY THE APPROPRIATE COURT BUT IT MAY BE APPEALED TO A HIGHER COURT IF CONSIDERED INADEQUATE BY THE OWNERS. THE FOREGOING INFORMATION WAS UNCLASSIFIED

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REPORTEDLY RECENTLY RELAYED TO MR. BENNET.

3. THE EMBASSY UNDERSTANDS THAT WITH THE EXCEPTION OF MR. BENNET, THE OWNERS OF THE OTHER PROPERTIES INVOLVED HAVE APPEALED THE ACTION OF THE GREEK GOVERNMENT BEFORE THE COUNCIL OF STATE, THE HIGHEST JUDICIAL BODY OF GREECE. HOWEVER, EXPROPRIATION PROCEEDINGS, IF WARRANTED, WILL BE INITIATED PRIOR TO ISSUANCE OF THE COUNCIL'S

RULING ON THE APPEAL WHICH, BECAUSE OF A VERY HEAVY SCHEDULE, CANNOT BE EXPECTED BEFORE AT LEAST ONE YEAR.

4. PLEASE INFORM MR. BENNET THAT BOTH GREECE AND THE UNITED STATES ARE SIGNATORIES TO THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION WHICH ENTERED INTO FORCE ON OCTOBER 15, 1954. UNDER ARTICLE 7 PARA 3 OF THE TREATY, PROPERTY OF PRIVATE CITIZENS OF EITHER PARTY, SITUATED IN THE TERRITORY OF THE OTHER PARTY, CAN BE EXPROPRIATED FOR PUBLIC UTILITY PROJECTS OF PURPOSES, SUBJECT OF COURSE TO PAYMENT OF JUST COMPENSATION.

5. PLEASE ALSO INFORM MR. BENNET THAT UNDER FEDERAL REGULATIONS, THE EMBASSY IS PROHIBITED FROM ACTING IN A LEGAL OR REPRESENTATIVE CAPACITY OF BEHALF OF PRIVATE AMERICAN CITIZENS AND CANNOT THEREFORE INTERCEDE WITH THE GREEK AUTHORITIES ON HIS BEHALF, UNLESS HE RECEIVES DISCRIMINATORY TREATMENT BECAUSE OF HIS FOREIGN CITIZENSHIP.

6. IF CALLED UPON, THE EMBASSY WILL BE HAPPY TO PROVIDE ANY OTHER INFORMATION OR ASSISTANCE IN THIS CASE OR IN ANY OTHER CASE WHICH MIGHT BE OF INTEREST TO YOU.

AMERICAN EMBASSY
ATHENS, GREECE
MCCLOSKEY

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